R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claim 5 is respectfully acknowledged.

Claim 5, however, has not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that its parent claim 1 also recites allowable subject matter.

THE CLAIMS

Claims 1, 5, 8 and 11 have been amended to make some minor grammatical improvements and to correct some minor antecedent basis problems so as to put the claims in better form for issuance in a U.S. patent.

No new matter has been added, and it is respectfully requested that the amendments to claims 1, 5, 8 and 11 be approved and entered.

It is respectfully submitted, moreover, that the amendments to the claims are not related to patentability, and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

THE PRIOR ART REJECTION

Claims 1-4 and 6-11 were rejected under 35 USC 103 as being obvious in view of the combination of US 2001/0025588 ("Takemoto et al") and USP 6,761,788 ("DeYoung et al"). This rejection, however, is respectfully traversed.

In item 1 on page 2 of the Office Action, the Examiner acknowledges that Takemoto et al does not disclose an ink-receiving sheet comprising a support and a porous ink receiving layer having pores provided on the support. In addition, the Examiner also acknowledges that Takemoto et al does not disclose that the ink and the ink receiving sheet satisfy the relationship $|D_{L10} - D_{M50}| \geq 170nm$. For this reason, the Examiner has cited DeYoung et al to supply the missing teachings of Takemoto et al.

It is respectfully submitted, however, that DeYoung et al merely discloses an image receiving layer in which 50% of pores having a diameter greater than 30nm have a diameter of less than 300nm, and in which 95% of the pores having a diameter greater than 300nm have a diameter of less than 1000nm. That is, it is respectfully submitted that DeYoung et al merely discloses a distribution of the pore diameter.

And it is respectfully submitted, that DeYoung et al does not disclose, teach, or suggest a distribution of the particle diameter of the resin particles in an ink. Indeed, it is

respectfully submitted that DeYoung et al does not even disclose a preferred range of diameters for resin particles in an ink.

Accordingly, it is respectfully submitted that DeYoung et al clearly does not disclose, teach or suggest the relationship between the distribution of the diameters of the resin particles and the distribution of the diameters of the pores recited in claim 1, whereby $|D_{L10} - D_{M50}| = 170nm$, in which D_{L10} is a particle diameter at which 10 percent of the fine resin particles by number have a diameter from a minimum diameter D_{L0} up to and including D_{L10}.

On page 3 of the Office Action, the Examiner asserts that DeYoung et al discloses "$|D_{L10} - D_{M50}| = 400-300 = 100$" and that DeYoung et al discloses that $D_{L10} - D_{M50}$ is "10-30=-20". However, since DeYoung et al does not disclose a preferred distribution or range of particle diameters of the resin particles in an ink, it is assumed that the "400" and "10" referred to by the Examiner correspond to the preferred upper and lower limits of the range of particle diameters of the resin emulsion disclosed in Takemoto et al at paragraph [0058].

It is respectfully submitted, however, that the upper and lower limits of the range disclosed by Takemoto et al cannot simply be substituted for D_{L10} recited in claim 1 of the present application, because D_{L10} of the claimed present invention is a particle diameter in a distribution of particle diameters such

that D_{L10} is the particle diameter at which 10 percent of the fine resin particles by number have a diameter from a minimum diameter D_{L0} up to and including D_{L10}.

Takemoto et al, by contrast, does not disclose, teach or suggest a distribution of particles within the range 10-400nm. Indeed, most of the particle diameters in Takemoto et al could fall between 10-20nm, or between 390-400nm. Or alternatively, the particles diameters in Takemoto et al could mostly be in the more preferred range of 50-200nm. However, it is respectfully submitted that Takemoto et al simply does not at all disclose, teach or suggest a distribution of the particle diameters.

Therefore, it is respectfully submitted that it would be impossible to determine the value of D_{L10} of the claimed present invention based on the teachings of Takemoto et al. And it is respectfully submitted that the upper and lower limits of the range disclosed by Takemoto do not at all correspond to the value D_{L10} in the distribution of particle diameters of the claimed present invention, in which D_{L10} represents the particle diameter at which 10 percent of the fine resin particles by number have a diameter from a minimum diameter D_{L0} up to and including D_{L10}.

In view of the foregoing, it is respectfully submitted that even if the preferred range of particle diameters disclosed by Takemoto et al were properly combinable with the preferred pore diameters disclosed by DeYoung et al as suggested by the

Examiner, the relationship of the distribution of particle diameters and the distribution of pore diameters of the claimed present invention as recited in claim 1 would still not be achieved or rendered obvious.

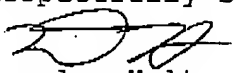
Accordingly, it is respectfully submitted that the present invention as recited in claim 1 and claims 2-11 depending therefrom clearly patentably distinguishes over Takemoto et al and DeYoung et al under 35 USC 103.

* *

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,



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